

60,469-033
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Applicant respectfully traverses the rejection under 35 U.S.C. §101. As previously pointed out, claim 1 is not necessarily limited to “software, per se.” Even if one were to insist on interpreting the claimed modules as software, the claimed portable interface is not so limited. The claimed portable mechanic interface language in claim 1 reads on, for example, the portable interface 24 illustrated in the embodiment of Figure 1. Therefore, there is at least one physical structure contemplated within the limitations of claim 1 and the claim does not constitute “functional descriptive material” as stated in the Office Action. Applicant respectfully disagrees with the Examiner’s interpretation of the claim and the conclusion reached by the Examiner.

Even if the Examiner is not willing to see how the portable mechanic interface recited in claim 1 reads upon a physical device, at a minimum, the tracking device recited in claim 2 has to be interpreted as a physical item.

Applicant respectfully traverses the rejection under 35 U.S.C. §112 of claims 1-12. The use of the term “system” in the preamble is not confusing or improper for several reasons. First, as discussed above, claim 1 is not limited to software, per se, as suggested by the Examiner. Moreover, the word “system” does not require any particular arrangement or structure within a claim to be proper under 35 U.S.C. §112. The word “system” has several definitions including: a group of interacting, interrelated or interdependent elements forming a complex whole; a functionally related group of elements; or an organized set of interrelated ideas or principles. There is nothing improper about the use of the word “system” in the preamble of claims 1-12.

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Applicant respectfully traverses the rejection of claims 1-8 and 10 under 35 U.S.C. §103 based upon a proposed combination of *Lesaint, et al.* and *Bergeron, et al.* There is no *prima facie* case of obviousness. There must be some motivation from within the references to make the combination to establish a *prima facie* case of obviousness. Applicant's disclosure and claims cannot be used as a roadmap for piecing together portions of the prior art. Where there is no benefit to making a proposed combination, there is no motivation and the combination cannot be made.

In this instance, there is no benefit to adding the teachings of *Bergeron, et al.* extracted by the Examiner to the *Lesaint, et al.* reference. The teachings of the *Lesaint, et al.* reference are concerned purely with a scheduling algorithm. There is no discussion in *Lesaint, et al.* of any other concern beyond setting up a schedule for a plurality of individuals. *Lesaint, et al.* assume that once an appropriate individual "reports in" (column 4, line 66) or "calls in" (column 5, line 22) that individual will be assigned the task in question. There is no discussion anywhere within in *Lesaint, et al.* about giving an individual the option of accepting or rejecting a task. The discussion in the *Lesaint, et al.* reference appears to give preference to their arrangement to enhance the efficiencies of the scheduling algorithm described in that document. Adding the rejection or acceptance feature of the *Bergeron, et al.* reference does not provide any benefit to *Lesaint, et al.* because it does not make the system any more efficient to reach its intended objectives. Without some benefit extending from the proposed combination (absent Applicant's suggestion for making such an arrangement), there is no motivation and no *prima facie* case of obviousness.

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Further, even if the combination could somehow be made, it is not the same as Applicant's claimed invention. For example, there is nothing in either the *Lesaint, et al.* or *Bergeron, et al.* reference that teaches a status module periodically updating the status of a task responsive to information from a tracking device as recited in claim 4. In paragraph 16 of the most recent Office Action, the Examiner points to several portions of *Lesaint, et al.* allegedly teaching such an approach. None of those cited portions teach that. The closest is the teaching in column 11 at lines 10-30 but that does not teach that the status information is based upon information from a tracking device. Such a distinction is patentable and non-obvious in view of the teachings of *Lesaint, et al.*

Applicant respectfully traverses the rejections of claim 9,12-18 and 20 under 35 U.S.C. §103 based upon *Lesaint, et al.* There is no *prima facie* case of obviousness because, in part, without Applicant's disclosure, there is no suggestion for modifying *Lesaint, et al.* to be consistent with Applicant's claims. The scheduling algorithm of *Lesaint, et al.* is the primary focus of that reference. There is no capacity within the system of *Lesaint, et al.* to address many of the limitations of Applicant's claims. Applicant's disclosure cannot be used as a roadmap for suggestions on how to modify the teachings of *Lesaint, et al.* to somehow arrive at Applicant's claimed invention.

With regard to claim 9, there is nothing about the teachings of *Lesaint, et al.* where an information module provides information to an elevator mechanic that is at least one of technical information regarding elevator system components, building information regarding the location of an elevator system, safety information regarding at least one procedure to be performed, data regarding the history of elevator system performance, a building entry code or troubleshooting information. Applicant

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respectfully disagrees with the Examiner's conclusion in paragraph 23 of the Office Action regarding the teachings of *Lesaint, et al.* in this regard. The only "information" communicated to a technician in *Lesaint, et al.* is information about the next job in terms of what the job is and where it is. There is no capacity within the scheduling algorithm of *Lesaint, et al.* for communicating the type of information recited in claim 9. Given that *Lesaint, et al.* is purely concerned with an efficient scheduling algorithm, there is no benefit to modifying it to be consistent with Applicant's invention of claim 9 without having first considered Applicant's claim. That would be hindsight reasoning which cannot be used in an attempt to establish a *prima facie* case of obviousness. Claim 9 cannot be considered obvious over *Lesaint, et al.*

With regard to claim 12, the Examiner properly acknowledges that *Lesaint, et al.* is void of any discussion of billing. To add an all new feature "by programming the system of *Lesaint, et al.* to generate the bill at the time service is rendered" as suggested by the Examiner, comes purely from the suggestion of Applicant's teachings. Billing information will not in any way enhance the scheduling efficiency of *Lesaint, et al.*'s algorithm and, therefore, provides no benefit to that system. Applicant's invention of claim 12 includes a feature that is not taught by the art and not fairly added to the art under the provisions of 35 U.S.C. §103. Claim 12 cannot be considered obvious over *Lesaint, et al.*

With regard to claim 13, the scheduling arrangement of *Lesaint, et al.* has no capacity for providing a mechanic information regarding items associated with a recommended routine responsive to an inquiry from the mechanic. There is no teaching of a mechanic using the *Lesaint, et al.* scheduling arrangement for making inquiries as

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recited in step (b) of claim 13, for example. The portions of *Lesaint, et al.* cited by the Examiner do not teach this.

Further, there is nothing within *Lesaint, et al.* that teaches or suggests determining whether an elevator mechanic accepts an assignment of a special service request. The Examiner properly acknowledges this in making the proposed combination with *Bergeron, et al.* in the rejection applied against claim 1, for example. In paragraph 25 of the Office Action, the Examiner appears to be taking a different position in stating that *Lesaint, et al.* somehow teaches determining whether a mechanic accepts an assignment. In any event, *Lesaint, et al.* assumes that a mechanic accepts an assignment given to it by the scheduling arrangement of *Lesaint, et al.* There is never any discussion within the document of giving the mechanic the freedom to accept or decline an assignment. Adding such a feature to *Lesaint, et al.* will not make that arrangement any more efficient in terms of scheduling out assignments to meet its intended objectives. There is no motivation for modifying *Lesaint, et al.* in this manner and claim 13 cannot be considered obvious. *Lesaint, et al.* only teaches calling in or reporting in to request a new task (column 4, line 66, for example).

Regarding claim 15, there is nothing in *Lesaint, et al.* that includes updating a status of a task based upon location information as claimed. Applicant respectfully disagrees with the Examiner's conclusion that *Lesaint, et al.* teaches such an approach.

Regarding claim 17, there is nothing within *Lesaint, et al.* that discusses or suggests providing an elevator mechanic with information of the nature recited in step (b) of claim 17. There is no capacity for providing such information within the scheduling information of *Lesaint, et al.* It is simply not discussed in that document. To interpret

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the term "instructions" from *Lesaint, et al.* to encompass information such as that recited in claim 17 is overreaching and an unreasonable interpretation of the *Lesaint, et al.* reference. A reading of that document reveals that instructions are given to technicians who call in for a new task. The instructions include scheduling information, perhaps directions on where to go, but nothing along the lines of what is recited in claim 17.

With regard to claim 20, Applicant has already discussed why it is improper to modify *Lesaint, et al.* to include automated billing information. The teachings of that reference are purely concerned with scheduling. Billing is outside of scheduling and outside the scope of the teachings of *Lesaint, et al.* There is no motivation to modify the teachings of that reference to be consistent with Applicant's invention without first considering Applicant's claims. Such an analysis includes improper hindsight and does not establish a *prima facie* case of obviousness.

The rejection of claims 11 and 19 under 35 U.S.C. §103 is moot. Those claims have been cancelled.

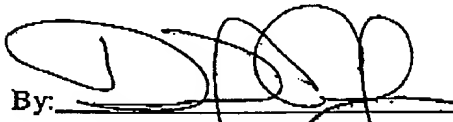
Applicant respectfully submits that this case is in condition for allowance. The features recited in Applicant's claims that cannot be found in the *Lesaint, et al.* reference render the pending claims non-obvious and patentable. Applicant respectfully requests a

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Notice of Allowance as soon as possible as this application has been pending for more than four years.

Respectfully submitted,

CARLSON, GASKEY & OLDS

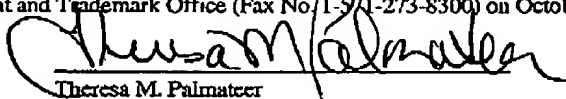
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Dated: October 11, 2005

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CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration relative to Application Serial No. 09/818,016 is being facsimile transmitted to the Patent and Trademark Office (Fax No. 1-571-273-8300) on October 11, 2005.


Theresa M. Palmatzer